

15. PUBLIC EMPLOYEES

15.01: Definitions

“The definition of ‘public employee’ within the meaning of this section will be determined broadly in doubtful situations. In this case, the city, who had entered a collective bargaining agreement with city employees is the ‘public employer’ for the purposes of this chapter, not the library board of trustees.” **AFSCME Local 2390 v. Billings (1976)**

“Section **39-31-103(2) MCA** defines ‘public employee’ for the purpose of the Act as: ‘...a person employed by a public employer in any capacity except elected officials, person directly appointed by the governor, supervisory employees and management officials, ... or members of any state board or commission who serve the state intermittently, school district clerks and school administrators, registered professional nurses performing service for health care facilities, professional engineers and engineers-in-training, and includes any individual whose work has ceased as a consequence of or in connection with any unfair labor practice or concerted employee action’.” **UC #4-79**

See also **ULP #22-77**.

15.1: Educational Employees

An appropriate bargaining unit was determined to be “all non-academic employees excluding the Food Service employees, carpenters, painters, stationary engineers, and those specifically exempted by statute.” **UD #29-74**

Employees at a single unit of the Montana University System are an appropriate bargaining unit. **UD #66S-74**

See **UD #22-77**.

See **ULPs #1-87, #32-88, #20-89, and #3-90** and **UC #8-91**.

15.111: Educational Employees – Administrators – Department Heads and Chairpersons

See **UDs #67S-74 and #21-77**.

15.113: Educational Employees – Administrators – Deans, Principals and Vice Principals

“The bargaining unit in question here is comprised of 17 principals and assistant principals, 12 program directors and the assistant superintendent employed by

School District No. 1, Butte, Silver Bow County. The Superintendent and the Director of Business Affairs are not in a bargaining unit.” **UC #2-83**

15.121: Educational Employees – Professionals – Teachers

“It is hereby determined that the word ‘teachers’ as it appears in Section 7(1) of **H.B. 834** refers to those persons who hold or have held a valid Montana teaching certificate and to those not currently certified who have completed a four-year teacher education program, so long as they are employed in an education program at one of the Montana state institutions.” [H.B. 834 created a compensation plan for state employees for the 1979 biennium, amending Section **11-1024, R.C.M. 1947**. Section 7(1) of the bill exempted from the bill’s procedure for increasing compensation for state employees ‘those plans negotiated with the blue collar crafts and teachers in accordance with provisions of Title 59, Chapter 16’.] **DR #1-77**

See also **UDs #54-74, #1-75, #19-75, #22-75, #26-75, #8-76, #14-76, #9-79, and #22-81; ULP #20-78; and ULP #37-81 Montana Supreme Court (1985) and Savage Education Association v. Richland County School District (1984).**

See **ULPs #29-84, #27-88, #13-89, and #67-89.**

15.122: Educational Employees – Professionals – Professors

Faculty at Northern Montana College determined to be an appropriate bargaining unit although systems-wide unit might be more appropriate. Unit established in response to wishes of all three labor organizations and faculty. **UD #55S-74**. See also **UD #66S-74**.

Appropriate unit determined to be “all full and half-time teaching faculty holding academic rank; excluding deans, vice-presidents, and the president of the college.” **UD #56S-74**

See also **UDs #60S-74, #67S-74, #11-76 and #21-77; UC #8-97; Rippey v. Flathead Valley Community College (1984).**

See **UDs #5-89 and #16-89.**

15.123: Educational Employees – Professionals – Counsellors

See **UDs #44-74 and #60S-74.**

15.124: Educational Employees – Professionals – Psychologists

See **UD #9-79.**

- 15.125: Educational Employees – Professionals – Librarians**
See **UDs #60S-74, #67S-74, and #21-77; UM #1-75; and UC #6-82.**
- 15.126: Educational Employees — Professionals — Medical Staff**
See **UC #5-86.**
- 15.127: Educational Employees – Professionals – Coaches**
See **UD #60S-74; UC #8-79; and ULP #2-82.**
- 15.128: Educational Employees – Professionals – Substitute Teachers**
See **UM #1-75.**
- 15.133: Educational Employees — Research and Teaching Assistants — Teaching Assistants**
See **UD #1-86.**
- 15.134: Educational Employees – Research and Teaching Assistants – Aides**
See **UDs #13-76 and #7-84.**
See **UD #1-86.**
- 15.14: Educational Employees – Paraprofessionals**
See **UDs #13-76** [related to instructional or service aides] and **#1-80** [related to tutors].
See **UCs #3-91 and #8-91**
- 15.15: Educational Employees – School Bus Drivers**
Billings school bus drivers employed by KAL Leasing, Inc., are not public employees. **UD #18-78**
Billings school bus drivers employed by B.W. Jones and Sons, Inc., are not public employees. **ULP #29-76**
See also **UDs #51-74, #33-75, #6-79, and #23-80.**
- 15.17: Educational Employees – Service and Maintenance [See also 34.18]**

See **UDs #12-74, #19-74, #27-74, #30-74, #44-74, #51-74, #61-74, #64S-74, #33-75, #12-76, #6-79, #29-79, #23-80, and #7-84.**

See **UDs #4-85, #20-85, #1-86, #15-87, and #12-88 and UC #2-87.**

15.171: Educational Employees – Service and Maintenance – Custodians

See **UDs #17-74, #8-77, #29-79, and #6-81 and ULP #18-82.**

See **ULP #4-89.**

15.172: Educational Employees – Service and Maintenance – Cafeteria Workers

See **UDs #8-77, #1-80, and #7-80.**

15.18: Educational Employees – Clerical and Office [See also 34.15.]

See **UDs #1-74, #27-74, #29-74, #30-74, #35-74, #44-74, #62-74, #64S-74, #12-76, #13-76, #14-76, #18-77, #6-79, #24-79, #1-80, #7-80, and #7-84.**

See **UDs #4-85, #15-87, #12-88 and #7-89; ULPs #12-89 and #31-89; and UCs #6-85, #2-87, and #3-91.**

15.19: Educational Employees – Evening School and Extension Employees

See **UD #18-74.**

See **UD #5-89.**

15.2: Hospital and Health Care Service Employees

See **UDs #5-74 and #6-77.**

See **UD #6-88 and ULPs #62-89 and #64-89.**

15.211: Hospital and Health Care Service Employees – Professional – Registered Nurses

See **UC #3-79.**

15.212: Hospital and Health Care Service Employees – Professional – Licensed Practical Nurses

See **UDs #5-74, #6-77, and #24-78.**

See **UD #24-90**.

15.23: Hospital and Health Care Service Employees – Non-Professional Staff

See **UDs #5-74 and 63S-74**.

15.233: Hospital and Health Care Service Employees – Non-Professional Staff – Nurses Aides

See **UDs #15-76 and #24-78; UC #2-84; and ULP #29-79**.

See **UD #24-90**.

15.24: Hospital and Health Care Service Employees – Therapists

See **UC #2-84**.

15.251: Hospital and Health Care Service Employees – Service and Maintenance – Kitchen and Cafeteria

See **UD #5-80**.

See **UD #24-90**.

15.252: Hospital and Health Care Service Employees — Service and Maintenance — Laundry

See **UD #24-90**.

15.26: Hospital and Health Care Service Employees – Office Employees [See also 34.15.]

See **UD #13-74**.

See **UD #6-88**.

15.261: Hospital and Health Care Service Employees – Office Employees – Clerical

See **UD #179**.

15.27: Hospital and Health Care Service Employees – Other Professional Employees [See also 34.16 and 34.34.]

“Supporting staff” ruled to be only those employees whose primary function is the instruction of residents at Boulder River School and Hospital. This ruling

excludes all but speech therapists and teachers. Teachers of staff not included.
DV #13-74

See also **UD #11-77** and **UC #2-84**.

See **UC #9-88**.

15.31: Administrative Service Employees – State

See **UCs #6-79** and **#6-80 DC #17-79**.

15.32: Administrative Service Employees – County

See **UDs #52-74** and **#1-82**; **UC #4-79** and **DC #22-77**.

15.33: Administrative Service Employees – Municipal

See **UDs #22-74, #40-74, #52-74, #18-76, #1-79, and #8-83**; **UCs #4-80** and **#3-83** and **DCs #22-77** and **#10-79**.

See **UD #8-91** and **ULP #54-89**.

15.34: Administrative Service Employees – Court

See **ULP #11-78**.

15.4: Uniformed Services

See **UC #2-88**.

15.413: Uniformed Services – Police – Municipal County Sheriff

See **UDs #33-74** and **#32-79** and **ULP #18-83 District Court (1985)**.

See **ULP #13-90, EP #1-86, and UC #6-89**.

15.414: Uniformed Services – Police – Municipal Police

See **UDs #43-74, #65C-74, #36-75, #24-76, #22-78, #4-79, #7-79, and #26-79**; **UC #4-80**; **DC #6-78**; and **Great Falls and Raynes v. Johnson (1985)** and **In the Matter of Raynes (1985)**.

See **ULP #34-87** and **EP #1-86**.

15.416: Uniformed Services – Police – Municipal Special Police

See **UD #34-75** [related to all employees employed as policemen and sergeant by the Great Falls International Airport Authority].

15.417: Uniformed Services – Police – State Police

See **UD #16-74**.

See **ULP #17-87** and **ULP #17-87 District Court (1989)**.

15.42: Uniformed Services — Prison Guards

See **UCs #12-88** and **#4-90**.

15.43: Uniformed Services – Firefighters

See **UCs #1-77** and **#4-80**; **ULP #19-78**; and **Welsh v. Great Falls (1984)** and **Billings Fire Fighters Local 521 v. Billings (1985)**.

See **ULP #14-89**.

15.44: Uniformed Services — Civilian Personnel

See **UC #12-88**.

15.45: Uniformed Services – Federally-Funded Employees [See also 34.35.]

Comprehensive Employment and Training Act employees are covered by the same collective bargaining agreements as are regular employees. See **UD #26-79**

15.5: Transit and Transportation Employees

See **UC #7-80**.

15.51: Transit and Transportation Employees – Operators

See **UDs #3-74** and **#6-84**.

15.511: Transit and Transportation Employees – Operators – Bus Drivers

See **DC #5-82**.

15.53: Transit and Transportation Employees – Service and Maintenance [See also 34.18.]

See **UD #6-84** and **DC #5-82**.

15.6: Public Works, Utilities, and Sanitation Employees

Employees of an irrigation district are deemed “public employees” and as such constitute an appropriate bargaining unit. **UD #11-74**

See also **UDs #9-74, #10C-74, #20-74, #28-74, #32-74, #37-74, #39-74, #50-74, #57-74, #5-77, #17-77, and #2-80; UCs #1-81, #3-83, #5-83; DC #5-75; EC #6-74; and DR #1-76.**

See **ULPs #20-86, #27-87, and #7-89 and UCs #2-88, #5-88, and #21-92.**

15.63: Public Works, Utilities, and Sanitation Employees – Office and Clerical [See also 34.15.]

See **UM #2-75.**

See **UC #21-92.**

15.65: Public Works, Utilities and Sanitation Employees — Operators and Drivers

See **ULPs #14-87 and #7-89.**

15.7: Other Professional Employees [See also 34.16.]

See **UDs #1-79, #18-79, #27-79, and #14-80.**

“[P]rofessional employees are not the same as management and ‘technical expertise in administrative functions which may involve the exercise of judgment and discretion does not confer executive type status upon the performer.’” **UC #6-85.**

See also **ULP #10-90 and UC #5-85.**

15.8: Parks and Recreation Employees

Bargaining unit determined to include all Fish and Game Wardens below the rank of sergeant. **UD #53-74**

See also **UD #9-83.**

15.82: Parks and Recreation Employees – Rangers

See **Hutchin v. Department of Fish, Wildlife & Parks (1984).**